

WAC 468-305-001 Definitions. The following terms and acronyms shall have the meanings set forth as below.

"Active account" means an open *Good To Go!*™ toll account ~~((to which))~~ with a positive balance sufficient to cover tolls and fees to which may be recorded by the customer service center system.

"Administrative fee" means the fee imposed by WSDOT for toll collection processing and other activities as set forth in chapter 468-270 WAC.

"Administrative hearing" means an in-person or written hearing before an administrative law judge to contest ~~((a notice of civil penalty (NOCP)))~~ WSDOT's written decision in response to a notice of dispute regarding a notice of civil penalty.

"Administrative law judge" means a judge provided by the office of administrative hearings authorized to conduct administrative hearings.

"Automatic replenishment" means the addition of money to ~~((a))~~ an active toll account using a customers' predesignated payment method according to the *Good To Go!*™ terms and conditions.

"Branded debit card" means a debit card that can be used as a credit card.

"Civil penalty" means the penalty assessed for ~~((a toll violation))~~ any unpaid tolls.

"Closed account" means a toll account that has been closed.

"Commercial account" means a uniquely identifiable type of account for a toll customer who requests more than six Passes for their account.

"Commission" means the transportation commission appointed by the governor of the state of Washington. The commission is responsible for setting toll rates, fees and schedules.

~~((("Customer-initiated payment" means the method used to pay a photo toll when there is no regular toll account and the customer pays the photo toll no later than three days after the toll transaction.))~~

"Customer service center (CSC)" means the place that customers can contact by phone, mail, in person, fax or the internet to open and manage a toll account, and receive services regarding their account and information about state toll facilities.

~~((("Day" means that time period reckoned from midnight to midnight.))~~

"Department" means the Washington state department of transportation (WSDOT).

"Department of licensing (DOL)" means the agency that maintains vehicle registration information.

"Dishonored check" means any check returned to WSDOT by a financial institution for any reason ~~((of)),~~ including nonacceptance, non-payment, nonsufficient funds or stop payment, unless a justifiable stop payment order exists.

"Dishonored credit card transaction" means a credit card transaction that is not approved by the entity that issued the credit card.

"Dynamic toll pricing" means varying the toll rate charged to toll customers based upon live traffic conditions to maintain specific performance standards of traffic management.

"Eligible toll facility (toll facility)" means any portion(s) of the state highway system upon which tolling has been specifically

identified by the legislature including, but not limited to, transportation corridors; bridges; crossings; interchanges; on-ramps; off-ramps; approaches; bi-state facilities; and interconnections between highways.

"Express toll lanes" means one or more highway lanes that can be used by authorized high-occupancy vehicles, and by toll-paying vehicles, where toll rates are set to maintain travel speed and reliability.

"Final order" means the decision provided by the administrative law judge (ALJ) in response to an administrative hearing (~~(to contest an NOCP or written dispute and waiver of hearing)~~).

"Flex pass" means the Good To Go!™ Pass used to declare status to qualify as a toll-free carpool as defined by the commission.

"Good To Go!™" means the name of the department's toll collection system and is a registered trademark.

"Good To Go!™ customer" means a toll customer who participates in the department's Good To Go!™ tolling program.

"Government agency transponder account" means a uniquely identifiable type of account for a public agency.

"Hearing Request Form" means the form provided with the initial order which outlines the process for an individual to request a hearing to dispute the initial order given by the department in response to a notice of dispute.

"High occupancy vehicle (HOV)" means a bus, vanpool or a carpool vehicle with minimum occupancy requirements depending upon the posted roadway HOV signage and as further described in WAC 468-510-010 and RCW 46.74.010.

"High-occupancy toll lanes (HOT lanes)" means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the lanes in order to maintain travel speed and reliability. HOT lane supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment as defined in RCW 47.56.401 and 47.56.403.

"Inactive account" means a toll account that has had no toll transaction activity during a predefined period of time as defined by the Good To Go!™ terms and conditions.

"Initial order" means the written decision provided by the department or its designee in response to a notice of dispute.

"Insufficient funds account" means a toll account with a balance less than the single toll rate or fee at the time the customer's transaction is processed.

"Nonsufficient funds" means a dishonored check presented to WSDOT in payment of any toll transaction.

"Notice of civil penalty (NOCP)" means the notice that is sent to notify the registered vehicle owner of a toll violation for failure to pay a toll by the toll payment due date, and for which a civil penalty is assessed.

"Notice of dishonored credit card transaction" means a transaction authorized by a toll customer that is not honored by the financial institution for any reason except for the existence of a stop payment order.

"Notice of dispute" means a customer's contact with the department, by phone or in writing, to dispute a fee and/or notice of civil penalty.

"Notice of nonsufficient funds (NSF)" means the notice sent to a toll customer who presented a nonsufficient funds check to WSDOT in payment of any toll transaction or fee. This notice will be mailed to

the toll customer at the address noted on the check returned from the financial institution.

"Pass (Good To Go!™ Pass)" means the transponder device used on WSDOT toll facilities.

"Pass toll transaction" means a toll transaction that has been posted in the customer service center system based on a pass number.

"Pay By Mail" means the method used to pay a photo toll when a toll bill is mailed to the vehicle's registered owner.

"Pay By Plate" means the method used to pay a photo toll by a customer who has a toll account through the use of a photo toll system.

"Payment transaction" means a record of activity created by the customer service center as a result of a customer payment.

~~((**"Person"** means an individual, firm, partnership, corporation, association, or public agency.))~~

"Photo toll" means a charge associated with a particular vehicle that is identified by its license plate and includes Pay By Mail, Pay By Plate and ~~((Customer-Initiated Payment))~~ Short Term Account.

"Photo toll system" means a camera-based imaging system that uses digital video or still image formats to record license plate images of vehicles using toll lanes for the purpose of collecting photo tolls.

"RCW" means the Revised Code of Washington.

"Registered toll account" means a toll account that contains customer contact information.

"Short Term Account" means the method used to pay a photo toll when there is no regular toll account and the customer pays the photo toll no later than three days after the toll transaction.

"State" means the state of Washington.

"Statewide tolling program" means the single, integrated tolling operations used by all eligible state toll facilities and includes both toll collection and toll enforcement processes.

"Tacoma Narrows Bridge" means the toll facility located on SR 16 in Pierce County, Washington.

"Toll" means the charge for the use of a state toll facility that may be paid by Good To Go!™ Pass, Pay By Plate (or a registered license plate account), ~~((Customer-Initiated Payment))~~ Short Term Account, Pay By Mail, or cash (where available).

"Toll account (Good To Go!™ toll account)" means an account that is linked to a Pass or license plate, or both, in order to pay a toll by automatic debit.

"Toll bill (Pay by Mail toll bill)" means a bill that is sent to the registered owner of a vehicle which has incurred a photo toll. A toll bill will state the ~~((total))~~ amount due including photo tolls at the Pay By Mail rate and all associated ~~((administrative))~~ fees.

"Toll collection system (TCS)" means any system that creates a toll transaction and includes both electronic and photo toll collection systems, and cash (where available).

"Toll customer" means anyone who passes through a toll transportation facility.

"Toll enforcement office" means the division within WSDOT responsible for toll enforcement activities associated with the notices of civil penalty (NOCPs) as well as the written disputes and administrative hearings.

"Toll enforcement officer" means any person authorized by WSDOT to review and certify notices of civil penalty (NOCP).

"Toll facility" means a toll transportation facility.

"**Toll payment due date**" means the date when a toll bill must be paid to avoid a ~~((toll violation and))~~ civil penalty. The toll payment due date is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

"**Toll transaction**" means a record of activity created by the toll collection system as a result of a vehicle traveling through a tolling point.

"**Toll violation**" means the violation of statutes requiring that a toll be paid by the toll payment due date which is eighty days from the toll transaction date.

"**Transponder disabling device (shield)**" means an authorized WSDOT device that is used to render inoperative the radio transmission of the vehicle identification code from a transponder to a roadside transponder reader.

"**Transponder (Good To Go!™ Pass)**" means a device attached to a toll customer's vehicle that automatically identifies the toll customer's vehicle as it passes through the toll facility.

~~((**Transponder toll transaction** means a toll transaction has posted in the customer service center system based on a transponder number.))~~

"**Unregistered toll account**" means a uniquely identifiable type of account that does not contain customer name, address, or vehicle information and requires the use of a pass ((+transponder+)) and manual replenishment.

"**Variable toll pricing**" means a method of varying a toll rate by time of day in order to maximize the performance of the highway facility being tolled.

~~((**Written dispute and waiver of hearing** means a completed form containing a written statement disputing a notice of civil penalty that is reviewed and decided by an administrative law judge. There is no appeal of a decision in response to a written dispute.))~~

"**WSDOT**" means Washington state department of transportation, any division, section, office, unit or other entity within Washington state department of transportation, and any of the officers or other officials lawfully representing Washington state department of transportation.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-100 What toll payment methods are available on WSDOT toll facilities? The following toll payment methods are available on WSDOT toll facilities:

(1) **Payment by pass:** This toll payment option uses a *Good To Go!™* Pass (transponder device) to debit funds from an associated valid toll account.

((Note: This is the ONLY payment method available on the SR 167 HOT lanes pilot project. Single occupancy vehicles must pay by an interior *Good To Go!™* Pass and may receive a traffic infraction for failure to pay using the Pass.))

(2) **Photo toll payments:** This payment method uses a photograph of a license plate to assess the toll. The photo toll may be paid by toll account; a ~~((Customer Initiated Payment))~~ Short Term Account; by individual payment online, mail, fax, over the phone or in person at a customer service center; or in response to a Pay By Mail toll bill. This payment method is not available on the SR 167 HOT lanes.

(3) **Manual payment:** This payment method is available only on the Tacoma Narrows Bridge. It requires payment at a tollbooth using cash, a credit card or branded debit card. This option also requires you to stop your vehicle at the tollbooth facility to pay.

NEW SECTION

WAC 468-305-105 What can I do to arrange for toll payment before I use a toll facility? (1) Prior to using a toll facility, you can open a toll account either online, in person at a customer service center or over the phone.

(2) When you set up your account or anytime while the account is still open you can select from the following types of accounts:

(a) *Good To Go!*™ Pass account - One or more *Good To Go!*™ Passes can be connected to a toll account. When a pass is detected by sensors on a toll facility and there are sufficient funds in your account to cover the toll, the account will be debited. This type of account can be used on all toll facilities, is quick, simple and offers you the lowest rate.

(b) Pay By Plate account - One or more license plates can be connected to a toll account. When those plates are photographed using a toll facility and there are sufficient funds in your account to cover the toll, the account will be debited. There may be facilities where you cannot use this type of account. Charges associated with this type of account are lower than Pay By Mail charges but more than *Good To Go!*™ Pass account charges.

(c) Short Term Account - If you plan on using a toll facility a limited number of times, within a twenty-day time period, or up to seventy-two hours after use, you can set up a Short Term Account. Short Term Accounts only last twenty days and funds cannot be added after the initial amount is used. Short Term Accounts require you to identify the license plate(s) that you want tied to the account.

(3) All pass and Pay By Plate accounts can be set up to be replenished automatically or manually. The account will remain in place unless closed by the account holder or by WSDOT for lack of sufficient funds or lack of activity. Accounts set up online must be registered for automatic replenishment.

(4) A vehicle can only be connected to one account at any one time.

NEW SECTION

WAC 468-305-125 Is there a way for me to pay the toll after I drive on a toll facility before I get a toll bill? If you use a toll facility and do not have an account, tolls may be paid by opening an account or, if you have insufficient funds in your account to cover the toll, tolls can be paid by calling the customer service center within seventy-two hours of using the toll facility. A Short Term Account can also be opened up to seventy-two hours after using a toll facility.

NEW SECTION

WAC 468-305-131 What happens when I use a toll facility but do not have an account or I have insufficient funds in my account? (1) If a vehicle uses a toll facility without an account, or there are insufficient funds in the account, a Pay By Mail toll charge will be assessed and a toll bill issued.

(2) A toll bill may contain one or more toll charges.

(3) Toll bills will be sent to the address where the vehicle is registered. It is the registered owner's responsibility to update their registration address with the department of licensing.

NEW SECTION

WAC 468-305-133 What should I do once I receive a toll bill in the mail? Toll charges must be paid or disputed within eighty days of using the toll facility. A first toll bill will be mailed to the registered owner. Toll charges not paid by the due date of the toll bill will receive a second toll bill and will be assessed a five dollar reprocessing fee (one fee per toll bill). If a reprocessing fee is assessed, this fee must also be paid within eighty days of using the toll facility. Toll charges can be paid online, by mail, in person at a customer service center, or by telephone.

NEW SECTION

WAC 468-305-136 What happens if I do not pay or dispute my toll charge? (1) If a toll charge is not disputed or paid within eighty days of the toll charge being incurred, the registered owner of the vehicle incurring the toll may be assessed a civil penalty. A civil penalty is defined in RCW 46.63.160(8) plus the initial toll charge and reprocessing fee.

(2) A notice of civil penalty (NOCP) will be sent by WSDOT to notify the registered vehicle owner of the civil penalty and shall include:

(a) A certification that the license plate in the photo is the license plate of the vehicle being assessed the toll;

(b) The total amount due; and

(c) Instructions for paying or disputing the NOCP.

(3) A notice of civil penalty may include information regarding one or more toll charges that were not paid and their associated civil penalties and reprocessing fees.

NEW SECTION

WAC 468-305-150 What can I do once I received a notice of civil penalty? (1) You can pay the notice of civil penalty.

(2) Payment can be made to the customer service center with cash, check, certified check, credit, debit card, or by money order. Payments can be made online, in person, by mail, or telephone.

(3) You may dispute the notice of civil penalty according to the dispute form provided with the notice.

(4) Failure to timely pay the total amount due or dispute the notice shall automatically result in liability for the amount set out in the notice, and a hold may be placed on the vehicle registration renewal. Unpaid amounts may also be transferred to a collection agency.

NEW SECTION

WAC 468-305-152 What can I do if I dispute my tolls, fees and/or civil penalty? A customer may dispute the toll charges to a toll account or in a toll bill. A toll may be dismissed or adjusted if the customer provides evidence of documented mitigating circumstances as outlined in RCW 46.63.160(5). A customer can dispute tolls, fees and/or civil penalties with the dispute form provided with the notice of civil penalty or available online.

NEW SECTION

WAC 468-305-160 What can I do if I want to pay the tolls but dispute a fee or civil penalty? (1) Registered owners wishing to dispute a fee or civil penalty must contact the customer service center or submit a dispute form.

(2) Dispute forms are included with the notice of civil penalty and are available online. Dispute forms must include a full written statement explaining the reasons for disputing the fee or civil penalty, including any verifiable documents supporting the dispute. The department may waive fees and civil penalties upon the first customer request to do so by applying an education program.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-210 What is required for a qualified vehicle to claim an exemption? (1) In order to establish a vehicle's exemption approved by the commission, you may be required to meet the following procedures:

(a) Establish that the vehicle(s) is eligible for exemption by submitting a certification of exemption eligibility; and review and monitor toll usage as requested by WSDOT;

(b) Establish and maintain a *Good To Go!*™ toll account in good standing and equip the qualified vehicle with a pass; and

(c) Equip the vehicle with identification signage.

(2) To claim exemptions for specific toll transactions debited from a toll account, the registered owner or its authorized representative must submit a written request which:

(a) Includes the Good To Go!TM toll account number;

(b) Identifies the date and time of the transaction(s) for which a credit is being sought;

(c) Includes a signed statement that the qualified vehicle's use of the road met the exemption requirements; and

(d) Submit the written request within eighty days of the toll transaction date. The department may then issue a credit to the toll account.

(3) To claim exemption from specific toll transactions where the registered owner receives a Pay By Mail toll bill, the registered owner or its authorized representative must submit a written request which:

(a) Includes the toll bill number;

(b) Identifies the date and time of the toll transaction(s) for which a credit or waiver is being sought;

(c) Includes a signed statement that the qualified vehicle's use of the road met the exemption requirements; and

(d) Submit the written request within eighty days of the toll transaction date. The department may then waive the toll.

(4) Failure to submit a certification of vehicle(s) exemption eligibility or timely submit a written request for toll transaction credit will result in a waiver of the ability to claim a toll exemption.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-300 How can I open a Good To Go!TM toll account? (1)

To open a toll account, you must choose an account type and complete the account application (~~((including the optional electronic check authorization if chosen))~~).

(2) Prepay at least the minimum fund balance into the account. If you have any (~~((amounts due to the toll division))~~) outstanding balances, they must be resolved prior to opening an account;

(3) Purchase and install a Good To Go!TM Pass (transponder device) for pass transactions; and

(4) Register your vehicle license plate(s) for Pay By Plate transactions.

~~((A toll account may be set up to include Pass transactions and Pay By Plate transactions.))~~

Note: The "Good To Go!TM" customer contract contains a full explanation of the Good To Go!TM terms and conditions associated with the WSDOT "Good To Go!TM" toll collection program.))

(5) The "Good To Go!TM" customer contract contains a full explanation of the Good To Go!TM terms and conditions associated with the WSDOT Good To Go!TM toll collection program.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-320 What are the various statuses that my account could be in? (1) A toll account may be designated with one of the following statuses:

(a) **Proposed.** An account is in this status prior to becoming active.

(b) **Active.** An account is considered active if it is funded and eligible to receive toll transactions.

(c) **Closed.** An account may be closed upon a customer's written request ~~((to close it; or closed by the CSC after twenty four months of inactivity or if the account has a zero or negative balance))~~ or by the customer service center if there is a lack of sufficient funds or after twenty-four months of inactivity. Any remaining balance will be refunded to the customer.

(d) **Suspended.** An account may be suspended for up to twenty-four months at the request of the customer. Transactions and payments cannot post to a suspended toll account.

(2) The CSC will not allow a customer to close an account with a negative balance and reopen a new account. The CSC will notify the customer of the amount due, in writing, when an attempt is made to close an account with a negative balance. Unpaid balances on a toll account may be forwarded to a collections agency.

(3) If an account is suspended, closed or has insufficient funds to cover a toll transaction, the customer will receive a Pay By Mail toll bill for any transactions that do not post to the account.

(4) If funds are available on the account at the time of closure, the customer will be refunded the balance, minus any outstanding tolls and fees.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-330 How can I get a refund if I close my Good To Go!™ account? When you close your toll account, you may request a refund by mail or in person if you have a registered toll account. Account closure forms may be obtained online, in person or by calling the customer service center. Any outstanding fees or tolls will be deducted from the account balance prior to issuing an account refund. Refunds shall be issued within fifteen days from receipt of the completed account closure form. Refunds shall be made in the form of the original payment, when possible. For example, if deposit was made by credit card, the refund would be credited to the same credit card.

For accounts that cannot be refunded electronically, the customer will be issued a check by WSDOT to the account's last recorded mailing address. Refunds will not be issued to unregistered ~~((transponder))~~ pass accounts.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-340 In what order will my payment be applied to what I owe in toll charges? The CSC will apply each customer payment ((including Customer Initiated Payments)) in the following order:

(1) Any outstanding nonsufficient funds fees or dishonored check fees.

(2) Payment shall be applied to the oldest outstanding unpaid toll transaction based on transaction posting date and time, unless otherwise directed by customer.

((+2)) (3) For each toll transaction, payment will be applied first to the administrative fees then to the toll transaction amount.

NEW SECTION

WAC 468-305-526 What happens once my dispute is received? Timely submitted disputes will be reviewed consistent with the Administrative Procedure Act brief adjudicative proceedings described in RCW 34.05.482 through 34.05.494 and a written decision will be provided.

NEW SECTION

WAC 468-305-527 What happens if I disagree with the outcome of my dispute? You can appeal the initial order by submitting a request for an in-person or written hearing. Information on how to appeal the initial order and a Hearing Request Form will be included with the decision.

If you are requesting a written hearing, you must include all documents and evidence you want to be considered with your request.

NEW SECTION

WAC 468-305-528 What happens if I request an in-person hearing? Once you request a hearing, you will receive a notice of hearing which will contain the date and time of your hearing. The registered owner of the vehicle, or designated agent, must attend the hearing. If you cannot appear on the date scheduled, you must notify the customer service center in writing at least twenty-four hours before the scheduled hearing date to request a new date. Only one such rescheduling is permitted. If you do not appear at a scheduled hearing without notification, you will be liable to pay the tolls, fees, and penalties.

NEW SECTION

WAC 468-305-529 How will I be notified of the hearing decision?

An administrative law judge will issue a final order stating whether the registered owner is liable for tolls, fees, and/or civil penalties. Orders issued as the result of a written hearing will be sent to the address provided in the request for written hearing. Orders issued as the result of an in-person hearing will be issued following the conclusion of the hearing. For customers with verifiable mitigating circumstances, the final order is sent to the address provided in the hearing request. For all other in-person hearings, the final order is provided to the customer in writing immediately following the hearing.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-560 What is the final order? The decision provided by the administrative law judge (~~((ALJ))~~) in response to an administrative hearing (~~((or written dispute and waiver of hearing to contest an NOCP))~~) is a final order.

After consideration of the evidence and argument as presented in either the (~~((Written Dispute and Waiver of))~~) Hearing Request Form, or at the administrative hearing, the administrative law judge will determine (~~((whether the toll violation was committed. When the evidence does not support the toll violation, a final order will dismiss the notice of civil penalty. When it has been established that the violation was committed, a final order affirming the toll violation and civil penalty will be issued))~~) what tolls, fees and/or civil penalties are due.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-580 How do I find out if (~~((I have a lien))~~) a hold has been placed on my vehicle registration (~~((and how can I get it released))~~) renewal? You can check with the department of licensing to find out if there is a hold on your vehicle registration renewal. To release the hold, you must pay your civil penalty to either the WSDOT toll enforcement office or, if the matter has been referred to a collection agency, to the collection agency (~~((as appropriate))~~).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 468-305-010 Who collects the toll charges on WSDOT toll roads and bridges?

WAC 468-305-015	What is "dynamic toll pricing"?
WAC 468-305-020	What is "variable toll pricing"?
WAC 468-305-030	What is the State Route 167 high-occupancy toll (HOT) lanes pilot project?
WAC 468-305-110	Why should I use a Good To Go!™ Pass?
WAC 468-305-120	What is a photo toll?
WAC 468-305-122	What is a Pay By Plate?
WAC 468-305-124	What is a Customer-Initiated Payment?
WAC 468-305-130	What is a Pay By Mail toll bill?
WAC 468-305-132	What information will be included in a Pay By Mail toll bill?
WAC 468-305-135	What happens if I don't pay my Pay By Mail toll bill?
WAC 468-305-140	How do I dispute a toll charge?
WAC 468-305-302	Do I need to establish a separate Good To Go!™ account for each Good To Go!™ toll road or bridge that I use?
WAC 468-305-310	What are the different types of Good To Go!™ toll accounts available and what information is required for each?
WAC 468-305-420	What administrative services are provided to WSDOT toll customers without charge?
WAC 468-305-500	What is a toll violation?
WAC 468-305-502	What is a civil penalty?
WAC 468-305-505	What is a notice of civil penalty (NOCP)?
WAC 468-305-510	How do I pay a NOCP?
WAC 468-305-515	How can I contest or dispute a notice of civil penalty?
WAC 468-305-520	How do I submit a written dispute and waiver of hearing?
WAC 468-305-525	Who reviews the Written Dispute and Waiver of Hearing Form?
WAC 468-305-530	How do I request an in-person administrative hearing?
WAC 468-305-550	What is the burden of proof at the hearing or for the written dispute and waiver of hearing?
WAC 468-305-562	Can I appeal a final order?
WAC 468-305-572	Will interest be charged if an NOCP is not paid?